MEMORANDUM

October 27, 2011

TO: Government Operations and Fiscal Policy Committee

FROM: Dr. Costis Toregas, Council IT Adviser

SUBJECT: Discussion - Greater accessibility, accountability, and transparency in technology for local government

Expected to attend

Patrick Lacefield, Public Information Officer
E. Steven Emanuel, Chief Information Officer
Chris Cihlar, CountyStat
Representative from County Attorney's Office

Summary of Staff Recommendations:
1. None - this is a discussion of issues that may lead to actions, not a recommendation.

Background

The wide and dramatic deployment of smart phones, iPads, and other digital devices across society today, coupled with the increasing march of automation and re-engineering of government services that take advantage of computers and new technologies, are both a challenge and an opportunity to local government decision-makers. The pervasive and thorny digital divide issues still affect vulnerable populations, while privacy, cyberbullying, and hacking attacks all expose the negative aspects of this wave of innovation. On the other hand, the ability to rethink the ways in which people interact with their government and feel empowered by using information technologies offers ways to reduce costs of government by eliminating the "middle person" and encouraging residents to grasp opportunities with their (digital) hands.

This fertile yet unstable environment, where the government and the governed are having new definitions of role and service delivery, is what academics have begun to call Gov 2.0 or "Open Government". There are three fundamental aspects of this new opportunity:

1. accessibility;
2. accountability; and
3. transparency.

Accessibility encompasses the concept of openness - a way that ensures that citizens have free and open access to information without being challenged or overwhelmed by red tape and bureaucracy. There are also aspects of the digital divide, where access may be provided through third parties to those with no skills or technology infrastructure. In addition, the idea of moving such persons along the path to full access and use of digital information should also be included in the definition. Lately, access has also taken on a technology meaning, relating to the ability to have broadband internet service through fiber, Wi-Fi, or other means. The FCC's strategic plan lays out a long term plan for all Americans to have "access" to broadband services within a given timeframe, irrespective of geography, economic means, or other barriers.

Accountability allows people to hold their government accountable for performance and carrying out stated objectives. This aspect is best illustrated by a recent law President Obama signed, which mandates that all federal agencies provide a certain number of data "sets" (i.e., databases) for general public use, and do so each year. The notion is that the public would be able, using these data sets, to monitor, evaluate, and assess the performance of government agencies. Clearly, the agencies themselves may at times be cautious about such a framework, invoking concerns about lack of context, need to know, and other problems. Nevertheless, this trend towards openness that brings accountability seems to be on the increase.

Transparency is the process by which government processes are made open to public scrutiny. Everyone is aware of the "sunshine laws" active in most states. Transparency is the general principle for this set of laws and many more like them. With new technologies, discussions of subcommittees and even staff meetings become feasible to open up to the public using two models: as monitors, but more importantly as co-participants in the process, working on solutions jointly with government counterparts. Budget formulation and community feedback based on directly accessible proposals for resource allocation are a practical reality in many communities.

In the technology realm, these tenets can lead to complex and challenging requirements, but also to great citizen engagement and satisfaction. The largest local government in the US – New York City – has recently issued a major report called "Road Map for the Digital City - Achieving New York City's Digital Future". From that report, a page titled "Open Government: Technology and Culture" (at ©1) gives an indication of their comprehensive approach and their demanding expectations of technology investments. In an era of tight fiscal resources, it is interesting to note Tenet 9 from their "Tenets of NYC Open Government", which states "Open Government enables efficiency, cost savings, and the streamlining of government services."

<u>What we are doing in Montgomery County</u>

The County is already engaged in many initiatives that support the broad accessibility, accountability, and transparency principles of Gov 2.0 or Open Government. Three examples to illustrate the point are:

➢ Snow plow maps are made available in real time that enable homeowners to know the location of plows and when their street is scheduled for service during major snow storms.
➢ Bus route information is available online, reflecting road and traffic conditions rather than presenting static tables with expected times.
➢ Pay-By-Cell parking is making the parking experience easier for residents while reducing costs of meter servicing in the long run and using the telecommunications infrastructure and residents' cell phones.

Representatives from the Executive branch will be available to present these and other innovations, and the strategic thinking that went behind making these deployment decisions.

<u>Looking around the country</u>

All these applications are giving residents, businesses, and visitors a feeling of real engagement and participation in what the County has to offer. Counties and cities elsewhere continue to experiment and push the envelope even further in making government more accessible to those it serves. During the GO Committee meeting, a brief presentation using a simple web browser will highlight the openness and effectiveness of some of the following efforts:

➢ Chicago budget process
> Mayor Rahm Emanuel has constructed an outwardly-facing portal that permits Chicagoans to participate dynamically in the budget process and work with direct budget data (rather than photographs from budget pages). They are also releasing two data sets per week for residents to access and use for their own purposes and needs and collaborate on open data standards that make this task easier.

➢ Baltimore City and 311
> The City of Baltimore has one of the longest running 311 systems. After establishing an operational call center, the City is now promoting access to the call data by all residents, allowing complainants to find details about their complaints online. Harvard issued a report, "Nine Imperatives for Leadership of 311-Enabled Communities", that includes 9 imperatives for the next wave of 311 (see ©2-5). This report reminds everyone that 311 is not a static service but one that must grow and evolve into a constantly improving platform for civic engagement and solution creation.

➢ Seattle portal review
> Seattle has a website that has attracted national attention and awards; not content to sit on their laurels, they commissioned an outside group to do a "website audit", looking critically at the way information is presented, and constantly reminding departments of the importance of citizen-centric (not department-centric) views of the work and activities of the City.

➤ State of Utah and customer-centric website

Quoting from www.codeforamerica.org: *The State of Utah today just rolled out a new website which borrows beautifully from the leading trends on the web and is setting the bar high for modern government websites. The redesign — if you can call it that, seems like much more — features trending topics and activity streams, mobile and tablet-friendly versions, and crowdsourced content.*

Most notable is the streamlined, search-centric user interface. A citizen coming to Utah.gov isn't given a sprawling tree of links they have to cut their way through. It's just a search box. It's just that simple. As the state government put in its release, "search is unmistakable."

➤ Open data websites in Philadelphia and Washington DC

Philadelphia (www.opendataphilly.org) and Washington, DC (www.data.dc.gov), amongst many other technologically progressive communities, have embarked on ambitious programs of sharing data files with the general public. They do so in areas where the expected return on investment is high, and encourage the collaboration of private industry and civil society in order to develop applications that can take advantage of data availability and create desired outcomes in the economic development, service delivery, and digital divide areas.

Having such data files may not suffice, however; it is a necessary, but not sufficient, condition for success. The development of large, relevant and powerful centralized databases must be paired with the existence of people with the skills necessary to use these data elements and develop compelling policy choices for decision-makers, or operational suggestions for those charged with service delivery. This human talent may or may not exist today in the County and could be the subject of subsequent Committee conversations.

Future directions

It is clear that the County is already on the road to a creative and open environment where citizens can look forward to a simpler, more effective way to get what they need from their government. Much opportunity remains, and a strategy to prioritize the future options, lay them on a road map, and then fund and implement the ones with the highest return on investment seems to be the most logical approach. The role of the Committee and the Council in this effort can be legislative (by passing empowering legislation if needed), policy-setting (whereby specific projects that align with the road map are highlighted for explicit action), or simply supportive (by providing sponsorship for pilot projects and events). An example of empowering legislation is on ©6-15; it contains both suggested language and annotation explaining the intent of the various sections. Many municipalities and counties have already adopted this or similar language.

In addition, the investment made in MC311 now needs to be taken to the next level. A full road map for the expansion of MC311 as a true interactive, citizen-facing portal needs to be developed, and actions must be prioritized and funds provided to continue its evolution as a best-of-breed system. The FY13 budget discussion will provide an opportunity for such a detailed plan to be assembled and discussed.

The October 31 meeting will be a first opportunity to clarify this role.

OPEN GOVERNMENT: Technology and culture

DIGITAL TECHNOLOGY ENABLES UNPRECEDENTED TRANSPARENCY through its ability to open government information and processes to greater public participation. DOITT has long been a champion of transparency and Open Government, maintaining the NYC DataMine and partnering with EDC to launch the successful developer challenge, NYC Big Apps.

The City of New York will build on this success by embracing the opportunity to become the world's most comprehensively Open Government. Using technology to enable even greater access to information and services, the City of New York, led by DOITT, will create a powerful NYC Platform that supports innovation, efficiency, and economic growth. This infrastructure will unlock the City's wealth of information resources and make them accessible to citizens, technologists, and government employees. As a result, NYC government will be more transparent, efficient, innovative, accessible, and citizen-centric.

Key to this platform will be open standards and taxonomies shared at the agency, local, State, Federal, and international levels, in order to maximize government interoperability and efficiency. The system will be developed in phases by DOITT's expert enterprise software team and private sectors partners, and will provide real-time, bidirectional information feeds through an Application Programming Interface, or API. An API is a set of programming instructions and rules for accessing web-based applications. An API enables different software programs to communicate with each other, supporting an ecosystem of tools and features powered by the application.

Software companies and public institutions alike typically release their APIs to the public so that other software developers can design products that are powered by its services, thus further leveraging the investment made in the service.

THE TENETS OF NYC OPEN GOVERNMENT

NYC digital and DOITT have identified the following strategic goals that will guide our definition and implementation of open government in New York City:

1. Open Government democratizes the exchange of information and public services, inviting all citizens to participate and engage.
2. Open Government connects citizens to one another, supporting more efficient collaborative production of services over the traditional mode of citizen consumption of government-produced services.
3. Open Government information is more valuable when it is collected at the source, and published in near-real-time.
4. Open Government data is machine-processable.
5. Open Government invites all information consumers- inside and outside government - to correct, improve, and augment data.
6. Open Government uses open standards, formats, APIs, licenses, and taxonomies.
7. Open Government is accountable and transparent, perpetually self-evaluating, iterating, and exploring new ways to solve old problems.
8. Open Government makes as much information as possible available to as many actors as possible and is designed to minimize financial and technological barriers to accessibility.
9. Open Government enables efficiency, cost savings, and the streamlining of government services.
10. Open Government is compatible, nimble, and mashable, fostering collaboration, coordination, and innovation with other governments, academic institutions, and organizations.

5: THE NINE IMPERATIVES FOR LEADERSHIP FOR 311 – THE NEXT WAVE

In considering their options, leaders face choice and decision. We urge leaders to consider these nine imperatives as essential to bringing forward the next wave of 311.

Imperative #1: Plan for success – but also for rough times ahead. Understand where you are on the lifecycle of 311 implementation.

- **Issue:** Early success can overwhelm 311-enabled systems and degrade performance, causing customer service delays, conflicted information across channels, and dropped or lost calls-for-service. Support may suffer.

- **What to Avoid:** "Predictable surprises" in volume and related "maturity" issues that can cripple a 311 system as it grows.

- **What to Do:** Plan for success at each stage of development; know where you are on the maturity curve; manage expectations. Anticipate the predictable increases in call-center workload with a multi-channel strategy that diverts demand to web-enabled self-service, reverse 311, or other. Manage for service quality, effective workload tracking and strong performance management at each stage of roll-out. Demonstrate success over a defined range of fiscal, operating and performance goals. Garner support for sustaining the operation with next-step investments.

Imperative #2: Be fanatical about great 311 customer service.

- **Issue:** 311 is often a significant encounter for diverse citizens – old and young, infirm and well, English-speaking and non-native speakers, with high expectations. Such diversity can be a challenge to operators who must balance efficiency with great customer care.

- **What to Avoid:** Unsatisfactory encounters for the citizen, including failures to take action on problems, inaccurate or incomplete information, and language or cultural differences impacting communication.

- **What to Do.** Champion quality and the user experience at every turn. Cherish the insight to constituent issues and problems it offers. Use 311 to track and report back to citizens on their requests for service; manage agency performance against benchmarks. Standardize the customer experience across multiple or consolidated call centers. Assure consistency, quality, transparency, and privacy/security by strong management and effective oversight, defined rules and standards, and constant quality assurance on "high-touch" customer-facing services.

Imperative #3: Maximize efficiency by seeking consolidations, integrations to shared services where possible to offset costs, improve consistency. Handle the move to 311 as a complex change management effort requiring all the skills of a political campaign.

- **Issue:** Duplicative services such as multiple call center operations add costs, create conflict and confusion across platforms, and encourage agency "exceptionalism". With

"You try to get people to use the web because it's cheaper to handle them there than on the call center. If you want people to have confidence in the portal but the departments aren't keeping the information current, they're going to call you. And as much as I love my call center, I love it better when they don't call."

some agencies "on" the 311 shared service platform (call center, web) and others "off", leaders miss savings opportunities, lose cost control, and give up performance accountability.

- **What to Avoid:** A mish-mash of agencies -- some on, some off the 311 shared services platform – undermining consistency, savings, and a uniform customer experience. As the jurisdiction acquires new partners or moves agencies onto the 311 platform, complexity, conflict and confusion are common.

- **What to Do:** Have a clear roadmap for migration of agencies onto the 311 shared service platform, and clear executive sponsorship (accountability, resources and authority) for the effort. Drive internal consolidations, integration to improve consistency of experience, reap operating efficiencies, and broaden performance transparency. Lead as a complex change management effort requiring buy-in, but also decisive leadership. Engage political leadership, line-of-business heads, and technologists in "win-win" strategies for governance, finance, and operations.

Imperative #4: Deepen the value of 311-enabled services by adding networks, features, and capabilities; strive to make your 311 system the region's platform of choice for information, analytics, and services.

- **Issue:** The value of 311 is the information it ties together and the services it provides to customers. The more networks that 311 can involve, the more services, capabilities and features users can find on the 311 system, the greater the value for all. An isolated 311 system with few services forces internal and external customers to seek information and services elsewhere, costing 311 its customers and support.

- **What to Avoid:** An isolated, stand-alone 311-enabled network as a "call center" only, with few services or features, lacking communication or interoperability with local, regional and national networks of providers, citizens, governments, and industry.

- **What to do:** Make your 311-enabled system the *platform of choice* – a high visibility regional powerhouse of services and offerings to the electorate, industry, government, commerce, and citizens. Add value through improved analytics and reporting, billable services, payment/collections capabilities, "push" and "pull" communications, tie-ins to emergency services during natural disasters, fugitive hunts/missing children searches, and other enhancements. Draw in new partners, making infrastructure (telephony, business process, expertise) available, setting rules for its use, and assuring standard, high quality services. Forge strategic alliances for information sharing with local, regional and national data producers and consumers.

"We're a victim of our success. Our call volume is four hundred percent higher than it was two years ago -- so I want folks to get the answer on the web site. I'm sure everybody around the table who runs 311 has got the same problem."

Imperative #5: Engage the Web 2.0 world; make every citizen a sensor; treat 311 as the finger on the pulse of the city, and the electorate.

- **Issue:** Millions of citizens now exist on their own networks – informal groupings linked over social networks like Facebook or Myspace; on cell phones or blogs; and other means and devices. Government has little experience incorporating their reports or views via 311-enabled platforms, translating them into priorities, and taking action.

- **What to Avoid:** Either "stiff-arming" data from user-generated networks, or being overwhelmed by so-called wisdom of crowds "gaming" the system with onslaughts of reports.
- **What to Do:** With care and caution, open the 311 platform to the new networks of citizens. Leaders have the opportunity to engage citizens through these same networks, both to push and pull information, to gain their information and reports, and to document their priorities. Those who can mobilize these networks to acquire reports of issues or problems, and who can push data through these networks to activate help and citizen involvement will go far to transform the political landscape. With "every citizen a sensor", the look and feel of the city as well as the issues and needs of citizens, neighborhoods and communities can all be more clearly seen.

"Going in you have to change that "stovepipe mentality" culture where departments handle their own stuff. You're moving to a centralized organization. That culture change needs to be tackled upfront: breaking down those barriers, acting as one enterprise rather than eighteen, twenty six, thirty departments."

Imperative #6: Use 311-enabled data and analytics to help set your jurisdiction's budget and strategic goals, establish priorities for action and investment, and track and report progress.

- **Issue:** With inconsistent, partial or erroneous information, policy- and decision-makers lack shared facts on performance or views of key challenges. Conflict and confusion can result; jurisdictions may miss important opportunities to address ongoing and emerging social and infrastructure needs.
- **What to Avoid:** Leaving data within agencies rather than marshaled via 311-enabled performance management for all to see.
- **What to Do:** Tie 311 intake to backend workload tracking and performance management systems. Use 311-enabled analytics to help frame priorities, set strategic goals, and track indicators of progress. Share and report with agency heads, legislators, citizens and financial officials, increasing transparency, and building confidence in -- and reliance upon -- 311-enabled reporting. Use 311 analytics to assess performance, frame budget decisions, identify next best investments -- whether to control costs, take budget savings, or make investments -- as defined by citizens, industry, non-governmental organizations, agencies or political leadership. See, adapt to emerging trends sooner, faster and more accurately -- whether in regional weather impacts, health or safety matters, or jurisdictional financial/tax issues, for example. Gain transparency for and insight to, key issues and opportunities.

Imperative #7: Plan for resiliency, continuity and a key role for the 311 platform in crisis, disaster, and emergency conditions.

- **Issue:** In crisis, disaster, and emergency conditions, leaders struggle to gain clear views of the situation ("situational awareness"), make timely, effective decisions; and communicate with citizens and organizations taking action.
- **What to Avoid:** 311 "out of the loop" for information gathering, analysis, and emergency communications; lack of preparedness to support information sharing and communications ("push" and "pull") in crisis.
- **What to Do:** Involve 311-enabled platforms in exercises for crisis and disaster response. Test infrastructure and information sharing, and identify gaps in readiness. Prepare for

people issues (staffing and care of employees during emergencies), infrastructure issues (loss of connectivity), analytics and information sharing (validate flows and accuracy), and communications to and from decision-makers.

Imperative #8: Safeguard your investment and franchise: test, diversify, and secure the 311-enabled platform.

- **Issue:** Leaders may assume that once success is achieved, it is assured. But 311-risk is dynamic: each day holds the potential for new failure, tomorrow's headline, and next month's disaster.

- **What to Avoid:** Assuming that today's performance is a guarantee of future success; lack of 311-specific quality assurance plan or program.

- **What to Do:** Invest in and plan for 311-specific quality assurance measures; test for accuracy of data; assure privacy and security safeguards; survey for customer satisfaction; test and plan for the resiliency of systems; and assure quality and continuity of operations under all circumstances. Assuring the accuracy, durability, resiliency, and convenience of the 311 system is paramount for its future.

Imperative #9: Encourage the learning organization.

- **Problem:** There is deep expertise within government about how to do its basic work; there is not a matching history of oversight or accountability. With so much riding on the success of 311-enabled performance management systems, the rollercoaster of publicity can be difficult to manage positively.

- **What to Avoid:** Playing the game of "gotcha" during difficult days – whether with department heads, managers or line workers.

- **What to Do:** Take the lessons of performance management and help workers convert failures to success via learning. Performance management introduces a new level of visibility and accountability. Leaders who use it to build workforce capability and involvement will be rewarded with the support and engagement of agency heads, managers, and workers who genuinely care about doing the work well.
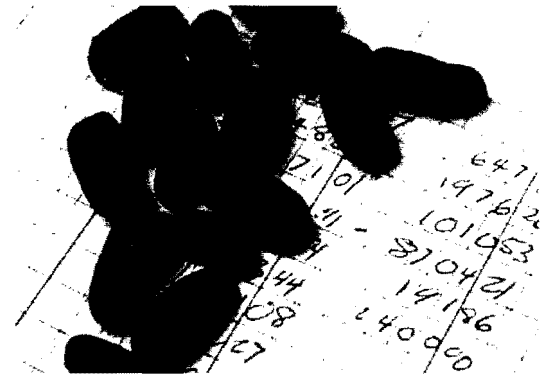
"They've got to keep a positive P&L. They can't take on new things that they don't make money on."

Lastly, we urge leaders to treat 311 not as a call center but as the pulse of the city, and the electorate. The new wave of 311 welcomes millions of citizens, each with their unique preferences, requirements, and issues. Some will be encountering government for the first time from foreign nations. Some will be sophisticated users. Some will just be maturing into citizenship from youth. Some will be aging, elderly and perhaps infirm, with many issues. As a single point of access to mobilize city services, 311 tracks the heartbeat of the city. Pay attention to it; understand its messages; connect with citizens around the priorities, issues and concerns they bring to their encounter with the next wave of 311.

Introduction

The [City] is committed to creating an unprecedented level of openness in government. City officials will work together and with the public to ensure open and effective government as well as public trust and establish a system of transparency, public participation, collaboration, and accountability.

<center>***Comments***</center>

The model Local Open Government Directive is intended to be an executive initiated order or directive to the local government under the executive's legal authority. An executive leader, such as a mayor, should use this model to adopt a directive for the city to help institutionalize open government principles within the city government. This model may be tailored to meet the needs of the particular locality. A city's name, applicable departments, department head titles, etc. should replace bracketed language when appropriate.

This model directive has been adapted from the U.S. Open Government Directive. (White House. (2009, December 8). *Memorandum for the heads of executive departments and agencies: Open government directive*. Retrieved December 26, 2010, from http://www.whitehouse.gov/sites/default/files/omb/assets/memoranda_2010/m10-06.pdf)

This model directive is intended to be implemented by the head of a local government to take executive action to implement open government. The model could be amended in order to be introduced as legislation by an elective local government official, such as a alderman, council member, or commissioner. However, as with the directive, any legislative effort should strive to embody the same core principles and elements of open government in order to assure the open government effort's success.

This document's "customers" are 1) Mayor or City Manager, 2) Department Directors, and 3) council members. The goal of the directive is to provide customers with a tool for prescribing change within all departments. The desired effect is that city officials will a) have a justification to put resources toward transparency projects and b) have no political excuse for not complying.

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This memorandum requires [City] departments and agencies to take the following steps to achieve the goal of creating a more open government:

1. Publish Government Information Online

To increase accountability, promote informed public participation, and create economic development opportunities, each [City Department] shall expand access to information by making it available online in open formats that facilitate access to and reuse of information.

Comments

Depending on the organization of the local government, [city departments] will be replaced with the name of the city, such as the City of Castle Rock, or something like "all city departments", such as all Castle Rock city departments.

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a. **Online Publication:** [City Departments] shall publish information (such as budget information, crime and health statistics, contracts with private firms, policies and procedures, and data or information frequently requested under [Open Records Act]) online (in addition to any other planned or mandated publication methods) and preserve and maintain electronic records. Data and records shall be preserved and maintained consistent with the [Open Records Act] and other applicable law and policy.

Comments

[State Open Record's Act] should be replaced with the applicable open records law, such as the Colorado Open Records Act.

One of the greatest strains on government resources is compliance with open records requests. Posting data and information frequently requested under [State's Open Records Act] can reduce the expense of staff time spent responding to these requests. As such, local governments should use the open government directive as an opportunity to preemptively publish government information before an open records request is received. Furthermore, the local government should publish information if such information is frequently requested.

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b. **Timing and Consistency:** Timely and consistent publication of information is an essential component of open government. As such, [City Departments] shall develop schedules for making information available to the public and indicating when information is updated.

Comments

The timely and consistent publication of government information is of critical importance to the use of that information. Adherence to a publication schedule is critical to the success of this open government mandate. It is not enough to simply publish information without managing that information. Therefore, it

is important that the mayor or another executive leader or leaders review the resources necessary to manage the on-going publication effort.

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c. **Presumption of Openness:** With respect to information, the presumption shall be in favor of openness and publication (to the extent permitted by law and subject to valid privacy, confidentiality, security, or other restrictions). Where practicable, [City Departments] shall publish all data that is not subject to valid privacy, security, or privilege limitations.

<p style="text-align:center">***Comments***</p>

Paragraph c is intended to embody the underlying intent of Freedom of Information/Open Records laws—that information held and maintained by the government is public information. As such, the default action must be to release information, and publication should only be withheld if a valid privacy, security, or privilege exists.

A valid privacy, security, or privilege concern includes, but is not limited to, personal identifying information, critical infrastructure information, information related to an on-going criminal investigation, or any publication that may breach an individual or group's legal rights.

If the local government chooses to withhold information from publication, that government entity should provide the public with a reasonably detailed explanation for withholding the information. Such explanation should be created to foster trust and instill transparency in the publication process. Furthermore, in order to provide consistent application, the city council should provide detailed guidelines regarding the limited publication exemptions.

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d. **Online and Open:** [City Departments] should publish information online and, when practicable, in an open format that can be retrieved, downloaded, indexed, sorted, searched, and reused by commonly used Web search applications and commonly used software.

<p style="text-align:center">***Comments***</p>

Paragraph d is intended to result in the maximum use of government information. Governments must publish information that is machine-readable as well as human-readable. Many government entities will or may be tempted to publish information in Portable Document Format (PDF). Although PDF is one of the most flexible and useful document formats available, it is only useful if the PDF is created in a specific and well structured manner. If care is not taken, the PDF may not be readable by a machine without significant effort. Therefore, local government entities should refrain from using PDF as the sole means of publishing information. The publication of information in multiple open formats is strongly recommended in order to maximize the use of government information.

Examples of open format are HTML, XML, CSV, JSON, RDF or XHTML.

The distinction between documents and data is an important one, and it is likely that far more people see and read government documents than download government data sets. With documents, it would seem that human readability should be the central concern, and a bookmarked PDF document can be much easier to read and digest than an HTML version, and a PDF document provides for formatting and pagination consistent with print versions of the document.

When documents are published in PDF, they should include detailed bookmarks and be configured to open with bookmarks displayed for enhanced reading and navigating on-screen; this practice also substantially reduces the need for costly and material-intensive printing, particularly when the document incorporates color and graphics.

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e. **Open Government Web Page:** Within [45] days, the [City] shall establish a common Web page that will serve as the source for citywide and departmental activities related to this Local Open Government Directive.

f. **Open Government Catalog;** Within [60] days, each [City Department] shall create a catalog of its public information. The catalog will be accessible through the city's Open Government Web page. The catalog will indicate:

   i. If the information is publicly-accessible;
   ii. The date of when the information was made publicly-accessible;
   iii. The date the information was last updated;
   iv. If the information is from a primary source or has been aggregated or modified; and
   v. If the information is restricted by any license or privacy restrictions.

g. **High-Value Data Sets:** Within [75] days, each [City Department] shall identify and publish online, in an open format, at least three high-value data sets or other types of previously non-publicly accessible information.

<div align="center">***Comments***</div>

Government information includes data sets collected and maintained by the local government. Dissemination of these data sets is as important as all other forms of publication. Therefore, local government should actively release this data to the public for use and re-use.

The value of the data sets may be based, in part, on the number of requests for the data.

<div align="center">***</div>

h. **Public Feedback:** The Open Government Web page will include a mechanism for the public to:
   i. Give feedback on and assess the quality of published information; and
   ii. Provide input about which information to prioritize for publication.

<div align="center">***Comments***</div>

A conventional interpretation of a public feedback mechanism would be an e-mail address a person could write to with responses sent only to the inquirer.

An open, public forum is best. For example, an online, open, public forum is one which allows the public to participate in bidirectional, many-to-many communication where all communication is archived for the public to view. This could be a mailing list, or it could be a purely Web based forum with optional e-mail notifications, like many blog commenting systems.

There doesn't necessarily need to be a separate forum for each individual website/webpage. A central forum for a whole government body might make the most sense. For a specific issue like data quality/availability, the forum should be consolidated, but for broader participation/feedback use cases, it might be more appropriate to have a forum for each department.

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i. **Response to Public Feedback:** Each [City Department] shall respond to public feedback received through the Open Government Web page on a regular, timely basis. Responses shall include descriptions of actions taken or reasons for not taking action based on public input.

j. **Publication of Open Records Requests:** Each [City Department] shall publish each [Open Records Act] request in an open format on the Open Government Web page, unless the request is subject to valid privacy, security, or privilege limitations. The name of the requester will remain anonymous unless otherwise indicated by the requester. If a request is subject to limitation, the [City Department] should release a redacted version of the request that also discloses the nature of the request. Each open records request shall be listed in conjunction with the status of the request and whether such request has been fulfilled. Where practicable, the requested information should be released to the public in an open format and published on the Open Government Web page.

<p style="text-align:center">***Comments***</p>

Government information includes data sets collected and maintained by the local government. Dissemination of these data sets is as important as all other forms of publication. Therefore, local government should actively release this data to the public for use and re-use.

One of the greatest strains on government resources is compliance with open records requests. As such, local governments should use the open government directive as an opportunity to preemptively publish government information before an open records request is received. Furthermore, the local government should publish information if such information is frequently requested or if the information is a data set.

It is again critical that information be released in an open format that is machine readable and accessible.

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k. **Licenses:** The city shall not assert any copyright, patent, trademark, or other restriction on government information. However, such restrictions may be applied to information shared by the city that was compiled or modified by non-governmental entities or individuals.

<p style="text-align:center">***Comments***</p>

Unlike U.S. federal government information, state and local government information is not in public domain as a matter of law, unless the state or local law dictates otherwise. Some local governments can and do exercise copyright, trademark, and other intellectual property rights over government information. This practice significantly impacts the use of government information by the public and hinders open government efforts. Local governments should, therefore, release all government information free of any

such rights and should not exercise these rights after release. However, the city may reserve the right to enforce reasonable privacy, security, and privilege rights on government information. Finally, if a license or restriction is asserted then the license or restriction should be minimally restrictive so that it does not significantly impede the use of the information.

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2. Create and Institutionalize a Culture of Open Government

To support open government and government accountability the [City] will expand and create opportunities for citizen participation and collaboration.

Comments

This section is intended to institutionalize open government within city government. As such, the city should take substantial steps to create a detailed open government plan that will help the public understand how the city will implement and operate a more transparent, participatory, collaborative, and accountable government.

To create an unprecedented and sustained level of openness and accountability in every department, senior leaders should strive to incorporate the values of transparency, participation, and collaboration into the ongoing work of their department. Integrating various disciplines will facilitate organization-wide and lasting change in the way that government works

Each paragraph of this section creates a firm timetable for development and implementation of the open government plan. A timetable is of critical importance and will allow the public and senior leadership to track the progress of the open government plan. Although the model directive sets forth a specific timeline, the city should create a timetable that is feasible for the city. However, the timeline must be included in the directive in order to be successful.

***

a. **Open Government Plans:** Within 120 days, each the [City] shall develop and publish an Open Government Plan that will describe how the each department will enhance and develop transparency, public participation, and collaboration.

Comments

Subparagraphs i-iii of paragraph a set forth the key core principles of open government: transparency, participation, and collaboration. These principles are viewed as the cornerstone of sound open government policy.

"Participation" "refers to different mechanisms for the public to express opinions - and ideally exert influence - regarding political, economic, management or other social decisions." (Wikipedia. Participation (decision making). Retrieved January 9, 2011, from http://en.wikipedia.org/wiki/Participation_(decision_making))

"Collaborate" "means to work jointly with others or together especially in an intellectual endeavor." (Merriam-Webster. Collaborate. Retrieved January 9, 2011, from http://www.merriam-webster.com/dictionary/collaboration?show=0&t=1294605905)

***

i. **Transparency:** The Open Government Plan will describe steps the city will take to conduct its work more openly and publish its information online. The plan will describe how the city is currently meeting its legal information dissemination obligations under [Open Records Act] and [State Sunshine Act] and how the city plans to create more access to information and opportunities for public participation. This information should include ordinances and regulations, policies, legislative records, budget information, geographic data, crime statistics, public health statistics, and other public records and data.

ii. **Participation:** To create more informed and effective policies, the [City] shall enhance and expand opportunities for the public to participate throughout [City Departments'] decision-making processes. The Open Government Plan will include descriptions of:

1. Online access to proposed rules, ordinances, and other regulations;
2. Online access to information and resources for the public to be properly informed (such as frequently asked questions, city officials' and department contact information, and other supportive content);
3. Opportunities for the public to comment through the Web on any proposed rule, ordinance, or other regulation;
4. Methods of identifying stakeholders and other affected parties and inviting their participation;
5. Proposed changes to internal management and administrative policies to improve participation;
6. Links to appropriate websites where the public can engage in the city's existing participatory processes; and
7. Proposals for new feedback mechanisms, including innovative tools and practices that create new and more accessible methods for public participation.

To the goal of encouraging public participation, rules, ordinances, and other regulations shall be based, to the extent feasible and consistent with law, on the open exchange of information and perspectives among other government officials, experts in relevant disciplines, affected stakeholders in the private sector, and the public as a whole.

iii. **Collaboration:** The Open Government Plan will describe steps the [City] will take to enhance and expand its practices to further cooperation among city departments, other governmental agencies, the public, and non-profit and private entities in fulfilling the city's obligations. The plan will include specific details about:

1. Proposed changes to internal management and administrative policies to improve collaboration;

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2. Proposals to use technology platforms to improve collaboration among city employees and the public;
3. Descriptions of and links to appropriate websites where the public can learn about existing collaboration efforts; and
4. Innovative methods, such as prizes and competitions, to obtain ideas from and to increase collaboration with those in the private sector, non-profit, and academic communities.

b. **Evaluation:** The [City's] progress towards meeting this Open Government Directive will be evaluated six (6) months after implementation, one (1) year after implementation, and each subsequent year. The city shall release the evaluation on the Open Government Web page or create an Open Government Dashboard that will provide the public with both graphic and narrative evaluation information. The evaluation will indicate if the city has not satisfied, partially satisfied, or fully satisfied the following criteria:

i. Experts and other stakeholders were consulted when creating the Open Government Plan;
ii. The public was involved in developing the Open Government Plan;
iii. The Open Government Plan includes all of the elements required in the Open Government Directive;
iv. The city has established processes and a timeline for publishing information and data sets online;
v. The city has established processes and a timeline for making underlying, raw data available online;
vi. The city has effectively promoted its open government efforts to the public;
vii. The city has effectively promoted its open government efforts to private sector stakeholders;
viii. The city has established efficient public feedback mechanisms;
ix. The city has reviewed, responded to, and incorporated public feedback; and
x. The city has established processes to revise its Open Government Plan to reflect changing public needs and new technologies.

Comments

As an alternative to the evaluation standards described, a 5-star rating system could be established to evaluate the city's progress:
★ Make your stuff available on the web (whatever format)
★ ★ Make it available as structured data (e.g. excel instead of image scan of a table)
★ ★ ★ Non-proprietary format (e.g. csv instead of excel)
★ ★ ★ ★ Use URLs to identify things, so that people can point at your stuff
★ ★ ★ ★ ★ Link your data to other people's data to provide context

An example of the Open Government Dashboard called for in this section is the White House's dashboard for evaluating the federal Open Government Directive, http://www.whitehouse.gov/open/around.

Ideally, an evaluation of each city department would be conducted and made available online.

c. **Working Group:** Within 45 days, the [Mayor] and [City Auditor] shall establish a working group that focuses on transparency, accountability, public participation, and collaboration within the [City] government. This group, with senior level representation from program and management offices throughout the [City], will serve several critical functions, including:

   i. **Transparency Forum:** The working group will provide a forum to share best practices on innovative ideas to promote transparency, including system and process solutions for information collection, aggregation, validation, and dissemination; and

   ii. **Participation and Collaboration Forum:** The working group will provide a forum to share best practices on innovative ideas to promote participation and collaboration, including how to experiment with new technologies, take advantage of the expertise and insight of people both inside and outside the [City] government, and form high impact collaborations with researchers, the private sector, and the public.

   iii. **Public Input Forum:** The working group will provide a forum for developing resolutions to issues described through the public feedback mechanisms of the Open Government Web page.

d. **Incentives:** Within 90 days, the [City Treasurer] will issue, through separate guidance or as part of any planned comprehensive management guidance, a framework for how the [City] can use challenges, prizes, and other incentive-backed strategies to find innovative or cost-effective solutions to improving open government.

<div align="center">***Comments***</div>

Examples of incentive efforts include, http://www.appsfordemocracy.org/, http://nycbigapps.com/challenges/81/, http://sunlightlabs.com/contests/appsforamerica/.

<div align="center">***</div>

3. **Create an Enabling Policy Framework for Open Government**
    Emerging technologies open new forms of communication between government and the public. Achieving a more open government will require the various professional disciplines within the government (such as policy, legal, procurement, finance, and technology operations) to work together to define and develop open government solutions. Policies should be regularly reviewed and revised to realize the potential of technology for open government.

    a. **Identification of Barriers, Guidance, and Revisions:** Within 120 days, the [City Attorney], in consultation with the [City's] [Chief Information Officer], will review existing [City] policies to identify impediments to open government and to

the use of new technologies and, where necessary, issue clarifying guidance and/or propose revisions to such policies, to promote greater openness in government.

Comments

While legal and policy barriers will hinder progress unless addressed, cultural change will also be necessary to encourage greater openness and innovation in government. City leaders should also take steps to promote and encourage cultural change in government.

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b. **Publication of Guidance and Proposed Policy Changes:** Any clarifying guidance and/or proposed policies related to this Open Government Directive will be available through the city's Open Government Web page.

DEPARTMENT OF TECHNOLOGY SERVICES

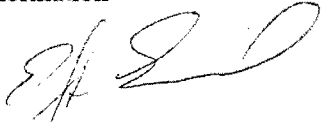| *Isiah Leggett*	*Patrick Lacefield*	*E. Steven Emanuel*
County Executive	*Director, Office of Public Information*	*Chief Information Officer*

MEMORANDUM

October 27, 2011

TO: Hans Riemer
            County Council Member
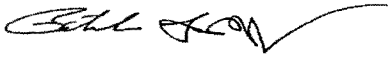
FROM: Patrick Lacefield
            Director, Office of Public Information

            E. Steven Emanuel
            Chief Information Officer

SUBJECT: Update on Transparency and Outreach

The Executive Branch is appreciative of your strategic approach and insights on improving the County's efforts to improve transparency in our government operations and progressively recommending options for citizen engagement. Executive leadership believes that we have taken innovative steps in this area, but concur that it is time for new and creative ways to include data and encourage civic input.

As a starting point, it is important to demonstrate the great things that have been done as well as publicizing the "work in progress" that clearly demonstrates that this is the underlying direction for things to come. Both the Office of Public Information and Technology Services have developed a partnership in many areas to address this goal. We are providing this information as a basis for next step discussions as well as ensuring that there is an opportunity to include other aligning objectives to maximize the benefits of the current efforts.

Office of Public Information

In addition, to working closely with DTS on a number of the initiatives to be described below, PIO is working to advance transparency, user convenience, and outreach through the 311 system. Examples include the following:

1) Enable Bulk Trash/Scrap Metal requests to be done online – in soft launch, to be rolled out publicly in mid-November.

2) Integrate 311 search centrality in new website design – in progress.

3) Enlist Code for America (see below).

4) Engage Civic Commons' Application Programming Interface (see below).

5) Add 311 Customer Survey feedback to supplement currently email customer satisfaction surveys – in progress, researching best practices from other 311s.

6) Start 311 portal blog to post comments on 311 Knowledge-Based Articles and service—in progress.

7) Integrate real-time RideOn bus information (usually most frequent call to 311 operators) through Smart Phones and other mobile devices – in soft launch presently for public launch in December.

8) Develop 311 app for all mobile devices – in work plan for present fiscal year.

9) Develop single web-based public calendar for all County government events in cloud application – in progress, research completed, seeking CAO approval.

10) Initiate new wave of 311 marketing – set to start in December with changed design/message for posters, bus ads, Spanish-language radio, Internet ads, bus shelters, and special outreach to seniors through advertisements, public meetings at senior centers, posters/literature, and public service announcements.

Department of Technology Services

DTS as part of its strategic efforts relative to the selection of tools and techniques is continuously looking at cost efficient, best practice methods for technical innovation that achieves measurable outcomes for County departments. DTS' efforts have been continuously identified as intuitive, creative and informative through the various national awards received over numerous years.

The past several years, DTS' creative resources have been focused on mission specific efforts with the implementation multiple enterprise solutions (ERP, MC311, MCtime) and parsed the appropriate resources to address interim priority solutions (SnowMap, H1N1 Appointment System, Tax Calculator, etc.), as well. But despite these priority tasks, foundational efforts that assist the County in taking foundational steps forward, have continued, albeit in the background of those publicly proclaimed accomplishments. The following demonstrates that commitment to continuing our support strategies for improving transparency capabilities that fully align with Council's forward thinking steps on improving capabilities toward civic engagement.

Website Re-Design

As an outcome of a CountyStat session on the County's website solution, DTS has embarked on technical improvements for the ongoing development and support of County websites. This effort has been in concert with the Office of Public Information (PIO) in an effort to share the County's governance model utilizing PIO for presentation and communications policy and content while DTS develops tool, template, website governance documentation and technical techniques for new requirements for the relaunch and next generation information management.

A crucial element in the website redesign is the County's commitment to the Department of Justice, from a recent settlement, to make all new and modified content on the County's extensive website, accessible. All County departments with content on the current website will be reviewing and migrating current content to the new template and will be required to test updated pages for accessibility requirements as proposed by the settlement and identify alternatives and exceptions for content, systems or applications that can not meet the accessibility guidelines.

Also as a part of the redesign, standard technology upgrades considered as a baseline for the changes will include the use of current "white space" that was limited in the early 2002 launch by the standard user viewing capabilities. The current screen layout catered to systems of low resolution and screen size that has been significantly overcome with modernized viewing options. Additionally, with the significant viewing alternatives created by "smart" devices, mobile templates will be included as a

component of the standard template, offering a more "mobile friendly" format for smartphone and other 3-4 inch internet capable device screens.

Open Source Applications

Montgomery County has long embraced the benefits and strategies that are achieved with the use of Open Source solutions. Open Source is computer software that is available in source code form and the source code along with certain other rights normally reserved for copyright holders are provided under a software license that permits users to study, change, improve and at times also to distribute the software. A significant benefit to Open Source software is there is a significantly reduced cost, if not free, for the use of these solutions.

Many government operations have fully embraced open source. DTS has used this concept in many of the infrastructure delivery of services to County system users. Others are simple utilities or desktop solutions that provide support and service functionality for every day use.

Two areas of exploration that DTS is pursuing include both the development and sharing of Open Source products and the use of a trusted, government endorsed repository for access to tested, reliable open source applications. For the development partnership, DTS has initiated conversations with the organization "Code for America". For its repository alliance, we have begun discussions and participation with "Civic Commons".

<u>Code for America</u>

Code for America (CfA) is a non-partisan, non-political 501(c)3 organization founded in 2009 to bring web-industry professionals to work with city governments in the United States in order to promote openness, participation, and efficiency in municipal governments. The New York Times described Code for America as a "new non-profit project... which aims to import the efficiency of the Web into government infrastructures". There is an emphasis that CfA is taking working for government, achieving positive outcomes in developing required solutions that achieve outreach to citizens while adding fun and creativity to government support.

CfA has had one full year of projects in alliance with cities across America. They have recently started their second year of partnerships. According to their website, "CfA works with city officials and leading web development talent to identify and then develop web solutions that can then be shared and rolled out more broadly to cities across America." The limiting factor that many County leaders have identified was the focus solely on city engagements.

As a result of a County inquiry to the founder, Jennifer Pahlka, Montgomery County was contacted and a dialog began about:

1) The limitation of participation and application for cities

2) Any opportunity that Montgomery County be included for the third year applications process

CfA leaders were pleased to hear that Montgomery County had the vision and interest to participate in this highly charged program. We learned through our conversations that a few county interests had escalated to their attention, but as a result of an inability to make partnership investments as the program dictates, these entities were forced to withdraw.

As a result of our interest and our conversation, Montgomery County is poised to look for next year's application process, submit a request for consideration and potential selection for a project partnership. CfA's model is one of shared cost. Any participation for the Public-Private partnership would require a strong commitment, not only fiscally, but from a governance perspective to outline the mission objectives to which the project outcome would achieve.

Meanwhile, due to our proactive engagement, CfA has provided the County with information about solutions and projects that may be leveraged. Included in that offer was an opportunity to begin a dialog with a current CfA partner, Civic Commons.

<u>Civic Commons</u>

Civic Commons is an independent nonprofit organization focused on reducing government IT costs by helping government entities share code and best practices. The project has been a coordinated effort between Code for America, OpenPlans and the District of Columbia's Office of the Chief Technology Officer (OCTO)

Civic Commons, in addition to looking at the development of government targeted programs, has poised itself to be a facilitator for government organizations to find and/or expose government owned applications that may be shared with others.

Montgomery County has begun a relationship with Civic Commons and has begun to create the required information gathering to develop a trusted partnership. While the County awaits the formal launch of the Civic Common tools, we have completed the survey tools required to offer into the sharing consortium one of the County's highly regarded solutions, the Vaccination Appointment Scheduling Tool. As a result of our initial conversations, it was identified that this application had potential benefit to other government agencies facing a similar need.

Civic Commons, in partnership with Code for America, is poised to quickly progress their government application sharing functionality and the County is poised to quickly review and utilize tools and solutions that will progress information accessibility for County data. One of the more likely tools for early review will be the Open311 solution which has been undertaken by the City of Baltimore. Open 311, combined with Baltimore's recent implementation of their open data solution will allow for successful civic engagement. Similar applications have been developed by the City of New York and one of CfA's participants, the City of Philadelphia also has a 311 solution as a goal.

Open Data Solution

Montgomery County has observed and concurs with the benefits of information transparency. As a first step in this direction, DTS has supported County departments in the development and sharing publicly information on our website. In addition to the CountyStat information improvements over the last year, reports such as our inter-agency vendor database and contractor cost information were provided. But, we realized that static report information was not as easily consumable for user created analytics. We needed to look for that next step in information publication.

In early 2010, DTS embarked on a review of a methodology to expose approved county information using existing staff and tools, placing data in the County's externally exposed information repository, via the County's Internet architecture. Shortly into the discovery process, DTS resources were re-prioritized to develop and implement a solution for the Department of Transportation. This application was implemented in November, 2010 and entitled the "Montgomery County SnowMap". This solution has been heralded by multiple audiences to be a one of a kind, highly sophisticated and citizen responsive solution.

As a result of the re-prioritization, DTS tabled the internal effort to self develop an open data solution. However, in early 2011, in consultation with other Public Sector IT organization, a common theme arose in this area as a result of positive progress with a cloud computing provider called Socrata.

Socrata as an organization was explored and offered the County an opportunity to rapidly deploy information in a controlled and definitive fashion. In the exploration of a solution that has been utilized by numerous companion cities and counties, research demonstrated:

- The solution offered a turn-key, Cloud solution that makes public data easy to find, understand and use.
- Helps organizations achieve transparency goals in a cost-effective manner.
- Measures how data is being consumed, propagated and socialized.
- Clients with successful implementations include multiple Federal Government agencies (including data.gov); Cities of Seattle, Baltimore and Chicago; States of Oregon and Oklahoma.

As a result of the positive feedback, DTS has already proceeded with an exploration of the use of the Socrata solution for a potential Montgomery County deployment. Due to Socrata's unique offering, a sole source request was created and was justified with the County's Contracts Review Committee (CRC) on September 15, 2011. This paved the way for DTS and the Office of the County Attorney (OCA) to begin negotiations on a proposed contract and the development of the terms and conditions between Socrata and the County.

DTS has taken a "leap of faith" that the County will see the long-term value for this direction and the benefits of making information publicly accessible. DTS has committed the minimal necessary funds, out of operating funds, to begin populating the cloud providers information repository, once contractual issues have been completed.

In concert with the development of the open data strategy, Montgomery County IT leaders have queried many of our colleagues as well as government associations to ensure that best practices for identifying data model candidates and proven processes that evaluate the risks with data publication.

DTS has developed this dual strategy plan in an effort to provide a sound method, process and functionality as a part of its internal strategic guide to aid Montgomery County to join other highly recognized organizations for an achievable goal relative to data transparency.

SUMMARY

As noted from the information above, the Executive Branch is motivated to continue our approach at leading edge tools and techniques to both provide information, solutions and responsiveness through our many outreach and information methods. We are very interested in gaining new insights to ensure that we have a common and clear objective, ensuring that civic engagement for information and input is on the forefront of our efforts.

Cc: Timothy Firestine